

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jeffery Dulwonh Gbor,

Case No. 24-CV-3416 (DSD/TNL)

Petitioner,

v.

REPORT AND RECOMMENDATION

United States of America,

Respondent.

Petitioner Jeffery Dulwonh Gbor¹ has filed a petition for a writ of habeas corpus challenging the computation of time credits made by the Federal Bureau of Prisons in his case. Gbor is in prison due to convictions incurred in this District, but he is currently incarcerated at the Federal Correctional Institution in El Reno, Oklahoma (“FCI-El Reno”).

This District is not the correct venue for Gbor’s habeas petition. A habeas petition must be presented in the District in which the petitioner is detained, not the District in which the petitioner was sentenced. *See* 28 U.S.C. § 2241(a); *Wyatt v. United States*, 574 F.3d 455, 460 (7th Cir. 2009) (“[T]he proper venue for filing a § 2241 petition is the district in which the prisoner is confined.”). Gbor is now detained at a facility within the geographic boundaries of the United States District Court for the Western District of Oklahoma. Accordingly, he cannot seek habeas corpus relief in Minnesota.

¹ Petitioner’s first name is spelled “Jeffrey” on the docket but “Jeffery” in the habeas petition itself. This Court will refer to Petitioner by the name used in the habeas petition.

“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). This Court has reviewed the habeas petition and concludes that Gbor has stated a sufficiently colorable claim to relief that transfer of this matter for further consideration in the appropriate judicial district would be in the interests of justice. Accordingly, this Court recommends that the Gbor’s habeas petition be transferred to the Western District of Oklahoma.

RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED THAT this matter be TRANSFERRED to the United States District Court for the Western District of Oklahoma pursuant to 28 U.S.C. § 1406(a).

Dated: September 5, 2024

s/ Tony N. Leung

Tony N. Leung
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local

Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).